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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,699	08/22/2001	Satoru Okamoto	SEL 273	9139

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,699

Applicant(s)

OKAMOTO ET AL.

Examiner

Thoi V Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Amendment, Paper No. 8, filed August 26, 2002.

Accordingly, claims 1, 2 and 19 were amended, and claims 12-15 were cancelled. Currently, claims 1-11 and 16-28 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shibamoto et al. (USPN 6,346,973 B1).

As shown in Fig. 1, Shibamoto discloses a portable electronic device (cellular phone) comprising:

a first liquid crystal display device 21 for displaying an image; and

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a second EL display device 31 comprising a touch input operation portion ,
wherein the first display device and the second display device are attached to
each other in a longitudinal direction so as to allow opening and closing (col. 5, lines 46-
50); and

wherein the second display device displays one of a character and a symbol (col.
4, lines 55-59).

Since this portable electronic device is a cellular phone, it is inherent that a cover
member is to be provided.

4. Claims 19, 20, and 23-27 stand rejected under 35 U.S.C. 102(b) being
anticipated by Yabe et al. (USPN 4,809,078) for the same reasons set forth in the last
office action.

5. Claim 28 stands rejected under 35 U.S.C. 102(e) as being anticipated by Kim
(USPN 6,262,785 B1) for the same reasons set forth in the last office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 10, 11, 16-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Flannery (US Pub.
No. 2002/0086711 A1).

Shibamoto discloses a portable electronic device that is basically the same as that recited in claims 3, 10, 11, 16-18, 21 and 22 except for a third display device and a system for identifying a user. As shown in Fig. 1, Flannery discloses a portable phone comprising a first display 6, a second display (keypad) 10, a third display 6 which is adapted to show a caller ID information of a caller (page 2, paragraph 18), an antenna 12, a speaker 14, and a microphone 16 for communication functions. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Shibamoto with the teaching of Flannery by employing a third display for identifying a user so as to prevent non-subscribed users from accessing the portable electronic device.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Yamazaki et al. (USPN 6, 424,326 B2).

Shibamoto discloses a portable electronic device that is basically the same as that recited in claims 8 and 9 except for an image pickup device. As shown in Fig. 24A, Yamazaki discloses a portable telephone comprising an image pickup device 2607 for detecting a luminance of a portion for displaying an image of the display portion and revising the luminance to a desirable value (col. 2, lines 58-61). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Shibamoto with the teaching of Yamazaki by forming an image pickup device so as to obtain a clear display by suppressing a reduction in luminance.

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9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Katsura (USPN 6,377,324 B1).

Shibamoto discloses a portable electronic device that is basically the same as that recited in claims 8 and 9 except for the first display device comprising a touch input operation portion. As shown in Fig. 1, Katsura discloses a portable electronic device comprising a first liquid crystal display (LCD) device 2 for displaying an image; and a second LCD device 1 comprising a touch input operational portion (col. 5, lines 13-16), wherein the first display device also comprises a touch input operational portion (col. 5, lines 13-16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Shibamoto with the teaching of Katsura by providing the first display device with a touch input operation portion so as to facilitate the user.

Response to Arguments

10. Applicant's arguments filed December 23, 2002 have been fully considered but they are not persuasive.

With respect to claims 19, 20 and 23-27, Applicant argued that the independent claim 19 is directed to a portable device having an EL display device for displaying an image and, in contrast, Yabe discloses an electronic device wherein the EL panel is a light source. The Examiner disagrees with the Applicant's remarks since Yabe discloses an electronic device having a cover 20 comprising an EL display device and a reflection display device 22 which is made to display by irradiating light emitted from an EL panel 60 of the EL display device as shown in Figs. 1 and 2 (col. 5, lines 26-30 and col. 7,

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lines 36-40). Accordingly, the EL panel is not only a part of the EL display device but also a light source for the reflection display device as exactly recited in claim 19. In addition, the portable electronic device is only a pre-amble of the claim.

Finally, with respect to claim 28, Applicant argued that Kim does not disclose or suggest the claimed invention. The Examiner disagrees with the Applicant's remarks since, as shown in Fig. 19, the Kim's reference is also directed to a portable electronic device comprising a first display device 201, a second display device 209 and a third display device 207, wherein the three are attached to each other to allow opening and closing. The first device 201 is a keyboard frame which comprises a display device to indicate the on/off status of the caps lock, etc. shown in Fig. 11.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong



03/03/2003



TOANTON
PRIMARY EXAMINER